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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,109	05/23/2005	Firmin Garcia	Q83563	5076

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EXAMINER

BOECKMANN, JASON J

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/510,109	Applicant(s) GARCIA ET AL.	
	Examiner Jason J. Boeckmann	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because:

- Figure 2 does not show what the examiner believes should appear at the dispenser orifice (31). It appears that splines 35 would keep the plunger pin (40) from sealing against the contact surface (41) (page 8, lines 26-28).
- In figure 1, reference number 35 does not appear to be pointing to the same splines that appear in figure 2, located at the dispenser orifice (31).
- In figure 3, the plunger pin does not appear to be consistent with figure 1. The end of the plunger pin (40) has a different shape as it contacts the contact surface (41) than what is shown in figure 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The phrase "the abutment zone is remotely located form the contact zone," in the last line of claim 10, is not found in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5, 9-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (5,096,098) in view of Clanet et al (5,624,055).

Gracia shows a dispenser head (2) comprising a connection sleeve (30), a dispenser orifice (25), a duct (33) connecting the connection sleeve (30) to the dispenser orifice (25) and a press surface (22). The head further comprising a shutter (17) that is housed at least in part in the duct (33), which is resiliently biased by spring means (11) towards the dispenser orifice (25). The shutter (17) includes a contact zone (15) that bears in a resilient leak tight manor against the dispensing orifice (25). The shutter being axially movable in such a means as to withdraw its contact zone form the dispensing orifice (25) creating an outlet passageway for the fluid when sufficient pressure is exerted on the press surface (22). The shutter (17) also includes at least one abutment zone (14), located remote form the contact zone (15), (see figure 4), that is resiliently biased by the spring means (11) against a fixed support zone (24). Garcia does not disclose that at least one of the dispenser orifice and the contact zone present a frustoconical configuration. However, Clanet et al shows a dispenser head (18) including a shutter (23) and a dispensing orifice (29), the shutter and the dispensing orifice both having frustoconical configurations (figure 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention, under the teachings of Clanet et al, to construct the dispensing orifice (25) and contact zone (15), of Garcia, with a frustoconical configuration in order to create a better seal between them, for when the dispenser head is not in use.

Regarding claims 2 and 11, the abutment zone includes plane abutment surfaces (24) that are situated in a symmetrical manor about the travel axis of the shutter.

Regarding claims 3-5 and 12-14, the shutter (17) comprises a plunger pin connected to a shoulder (10), the plunger pin designed to close the dispenser orifice (25) by extending into an outlet section of the duct that defines the support zone and the dispenser orifice (25). The outlet section being formed with guide splines (not shown, but the splines match the grooves 12 on the plunger pin) that projects radially inwards.

Regarding claims 9 and 18, the spring means (11) of the dispenser head is made integrally as a single piece with the shutter (17).

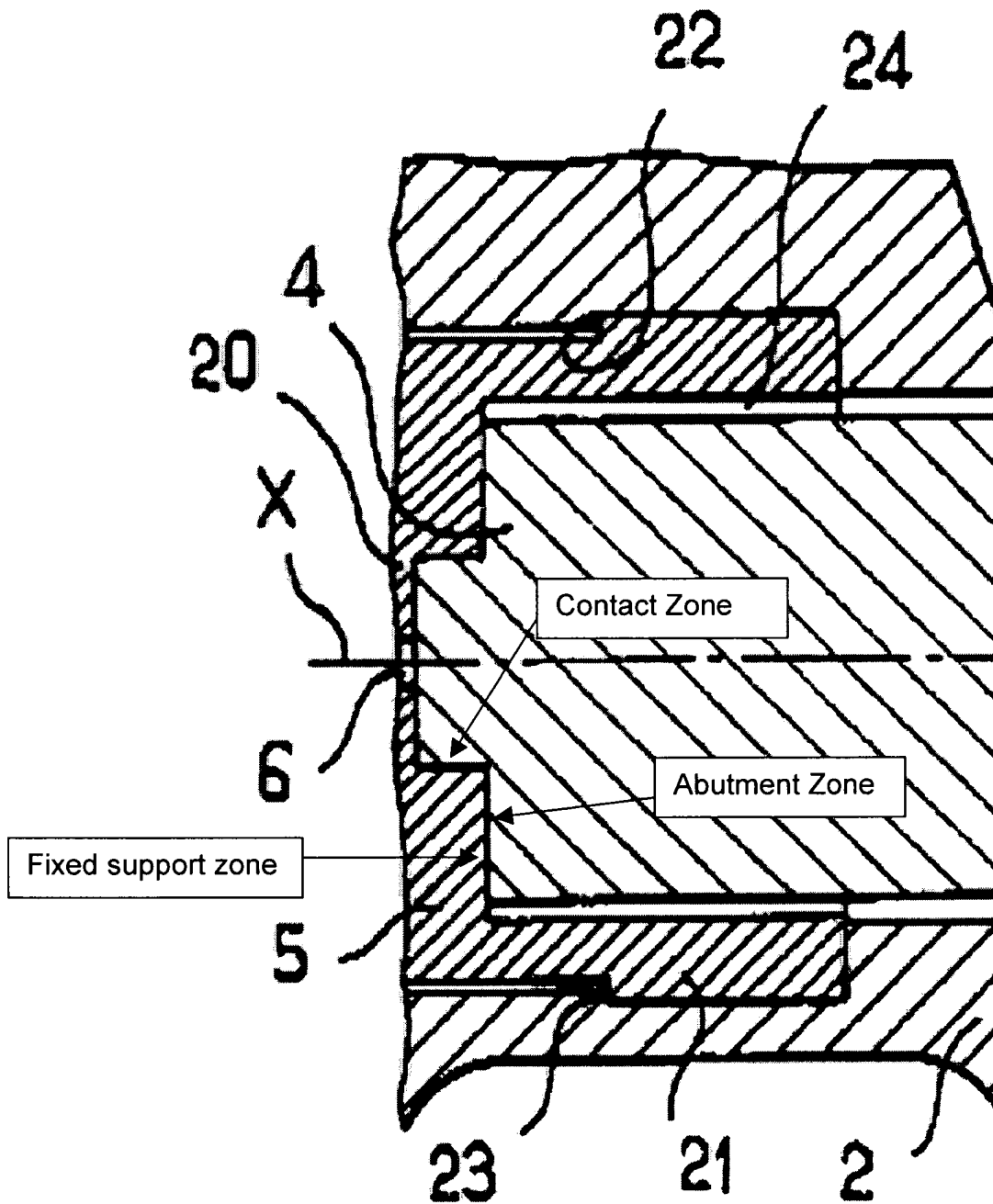
Claims 1, 6, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacout (2,772,010) in view of Clanet et al (5,624,055).

Lacout shows a dispenser head (1) comprising a connection sleeve (T), a dispenser orifice (6), a duct (10) connecting the connection sleeve (T) to the dispenser orifice (6) and a press surface (30). The head further comprising a shutter (4) that is housed at least in part in the duct (10), which is resiliently biased by spring means (13) towards the dispenser orifice (6). The shutter (4) includes a contact zone (located on the shutter, see marked up figure on page 7) that bears in a resilient leak tight manor against the dispensing orifice (6). The shutter being axially movable in such a means as to withdraw its contact zone form the dispensing orifice (6) creating an outlet passageway for the fluid when sufficient pressure is exerted on the press surface (30). The shutter (4) also includes at least one abutment zone (located on the shutter, see

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marked up figure on page 7), located remote from the contact zone, that is resiliently biased by the spring means (13) against a fixed support zone (located on the end piece 5, see marked up figure on page 7). Lacout does not disclose that at least one of the dispenser orifice and the contact zone present a frustoconical configuration. However, Clanet et al shows a dispenser head (18) including a shutter (23) and a dispensing orifice (29), the shutter and the dispensing orifice both having frustoconical configurations (figure 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention, under the teachings of Clanet et al, to construct the dispensing orifice (6) and contact surface of Lacout, with a frustoconical configuration in order to create a better seal between them, for when the dispenser head is not in use.

Regarding claims 6 and 15, the dispenser head (1) includes a body (45) and a dispenser end piece (5) connected to the body, the end piece (5) forming the duct (10) and the dispenser orifice (6).



Examiners marked up figure.

Allowable Subject Matter

Claims 7, 8, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 2/16/2006 have been fully considered but they are not persuasive. The limitation that the contact zone is located remote from the abutment zone is not present in claim 1, furthermore, the term "remotely located," in the last line of claim 10 is a broad term which can be interpreted to read on the prior art as discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJB JJB 8/14/06



David A. Scherbel
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